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## AMERICAN ADVOCATE OF PEACE.

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## SANCTIONS OF ARBITRAL DECISIONS.

It has often been objected to the principle of arbitration by those having no confidence in its efficiency as a means of settling international difficulties, that there are no sanctions by which its decisions can be enforced, and hence that it is liable and even certain to break down at given points. This objection has led to a careful study of the whole question of sanctions of arbitral judgments, on the part of many of the advocates of peace. It is not a little curious at first sight, that two very different and even opposite opinions should have been reached on the subject, by men equally devoted to the cause of peace and anxious to see the end of all war.

At Berne this year the chief debate of the Peace Congress was over this question, and it was interesting and instructive to try to disengage the ideas and principles lying at the bottom of the positions of the two classes of speakers. These principles did not always seem to be perfectly clear to the speakers themselves, and especially some of the ultimate conclusions to which they would lead.

When the opponents of arbitration make the above-mentioned objection that it must fail in given cases for lack of sanctions, they mean, without doubt, physical sanctions, — the power of the bayonet, the sword, the revolver and the club, as these, in some form, are the ultimate sanctions lying behind the laws of all States as at present administered. Those, therefore, of the friends of peace who have been disturbed by these criticisms and who have thought that any proposed methods of arbitration which lacked sanctions as the last term would be incomplete, have been unsuspectingly led into the recommending of means of enforcing arbitral decisions exactly like those which they are seeking to discard in trying to put an end to war.

Suppose two nations before putting a case of difficulty into the hands of arbitrators should set aside, in the hands of a third, a sum of money or a tract of land, as a guaranty for the carrying out of the decision of the court of arbitration, as was suggested by some of the speakers in the Congress. The case of difficulty is then decided, suppose, and one of the nations refuses to abide by the judgment. The money or land may be forfeited to the other nation, but that would not compel the acceptance of the decision. Or the delinquent nation might demand its money or land back from the third party; in which case either war would result or the two nations would fall back into the same condition as before the effort to adjust the trouble, and the whole thing would end in a farce. If ten nations, again, should enter into a

treaty of arbitration, agreeing that, in case one of their number should refuse to accept an adverse arbitral decision, the other nine might, in the exercise of their joint police power, compel it to do so, there is no conceivable way in which they could do this effectually without resort to arms. A commercial or political boycott might be declared, but this would be certain to fail in the case of any nation having sufficient independence to refuse to accept the decision of the arbitrators. If the nation were a small one and felt compelled to accept the decision by reason of its inferiority, this would be peace by fear and intimidation, and not on that higher ground on which alone it can securely exist.

A more serious objection still to all these proposed methods of sanction, even if they were allowable as an exercise of police functions and might be incorporated in an ideal scheme of arbitration, is that they are wholly impracticable. No nation great or small would ever enter upon a special case of arbitration, or form with other nations treaties of arbitration, on any such conditions. The motives leading to the acceptance of arbitration as a means of adjusting a difficulty are the love of justice and fairness coupled with freedom of action, and whenever distrust and the thought of compulsion are brought into consideration there will be no more use for arbitration. It is abstractly correct to say that a scheme of arbitration having no sanctions connected with it is ideally imperfect, but from this postulate to the assertion that sanctions by force of any kind are necessary, is an infinite distance. Sanctions deeper and stronger than all the swords and cannon ever made have been provided in the nature and constitution of man, and these make it morally, almost absolutely certain that no nation which had submitted its cause to a body of arbitrators would ever dream of refusing to accept the sentence passed. What the sense of honor, the love of fairness, self-respect and loyalty to one's word could not do in such a case, steel and bullets would be powerless to accomplish.

The whole history of arbitration proves that these natural sanctions are immensely strong. In more than seventy important cases where it has been resorted to, as was said in the Congress, not a single nation, however much it may have thought itself wronged, has even hinted at refusing to accept the decision. What has been the uniform result in a more imperfect state of civilization, will certainly not be changed in the continually improving social and political conditions of society. To submit one's case to arbitration is to have accepted in advance the decision of the court, whatever that may be. These two things are as necessarily connected as the man and his shadow. To go back, therefore, from these natural sanctions, which so far have been infallible, and attempt to foist in in their place physical sanctions would be to reverse the order of nature and to enthrone the falling war god on a new seat.